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93-CR-00271-ORD

SEP 01 2011

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICKEY VALCUE POLK,

Defendant.

Case No. CR93-271-JCC

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on August 30, 2011. The defendant appeared pursuant to a warrant issued in this case. The United States was represented by Francis Franze-Nakamura, and defendant was represented by Bruce Erickson. Also present was U.S. Probation Officer Andrew Lorenzen. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

Defendant was sentenced on December 3, 1993, by the Honorable John C. Coughenour for Possession with Intent to Distribute Cocaine. He received 262 months of detention and 10 years of supervised release. The detention portion of the sentence was later reduced to 210 months. Mr. Polk was originally released from custody on May 23, 2008, and began his 10 year term of

PROPOSED FINDINGS OF FACT AND
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1 supervised release.

2 **PRESENTLY ALLEGED VIOLATIONS**

3 In a petition dated August 19, 2011, U.S. Probation Officer Andrew Lorenzen alleged that
4 defendant violated the following conditions of supervised release:

5 1. Failing to report the criminal disposition to the probation officer as directed in
6 violation of standard condition #3.

7 2. Failing to report for drug testing as directed on or about July 5, 6, 21, 22, and
8 August 11, 2011, in violation of the special condition of supervision.

9 3. Failing to notify the probation officer 10 days prior to a change of residence, on or
10 before August 18, 2011, in violation of standard condition # 6.

11 **FINDINGS FOLLOWING EVIDENTIARY HEARING**

12 The government dismissed violations # 1 and #3. Defendant admitted to violation #2, and
13 waived any hearing as to whether it occurred. The disposition date is to be arranged by counsel
14 before Judge Coughenour.

15 **RECOMMENDED FINDINGS AND CONCLUSIONS**

16 Based upon the foregoing, I recommend the court find that defendant has violated the
17 conditions of his supervised release as alleged above, and conduct a disposition hearing.

18 DATED this 30th day of August, 2011.

19 

20 **BRIAN A. TSUCHIDA**
21 United States Magistrate Judge
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23